IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.5329 of 2006

Dated: March 18, 2006

Between:

Tanniru Satyajirao, S/o. Suranna, Hindu,

aged 65 years, Occ: Cultivation,

R/o. Annadevarapeta, Tallapudi Mandal,

West Godavari District, and another.

… Petitioners

And

The Government of Andhra Pradesh rep. by

its Secretary, Social Welfare (C.V-2) Dept.,

Secretariat, Hyderabad, and four others.

… Respondents

Order:

Heard the learned counsel for the petitioners and the learned Government Pleader appearing on behalf of the respondents and at their request the Writ Petition is being disposed of at the admission stage.

2. Petitioners, two in number, claim to be the owners and possessors of the land covered by S.Nos.59, 57, 61 and 51/3, admeasuring
Ac.61.23 ½ guntas in Dhonelapalli village, Gangavaram Mandal, East Godavari District.

3. With regard to the aforesaid land, proceedings were initiated by the Special Deputy Collector, Tribal Welfare, Rampachodavaram, under the provisions of A.P. Scheduled Area Land Transfer Regulations 1/59 as amended by Regulation 1/70. However, by order dated 23-07-2002, the said proceedings were dropped recording a finding that the transfer of land in favour of the petitioners was not in contravention of the regulations. Though the said order was passed on 23-07-2002, it appears that challenging the said order, the Special Deputy Tahsildar, Tribal Welfare, the fourth respondent herein, has filed an appeal in C.M.A.No.40 of 2005 before the second respondent, who by his order dated 29-10-2005 allowed the same and ordered to take the aforesaid land into the custody of the Government. Against the said orders in the appeal, petitioners preferred revision petition before the first respondent-Government under Section 6 of Regulation 1 of 1959, along with an application for suspension. However, by impugned proceedings dated 03-03-2006, the application of the petitioners for suspension, was rejected by the first respondent. Hence, the petitioners approached this Court by way of the present Writ Petition.

4. In this case, it is to be seen that the primary authority has recorded a finding that the transfer of the said land in favour of the petitioner was not in contravention of the regulations. Moreover, the third respondent dropped the proceedings against the petitioners by order dated 23-07-2002, whereas the appeal was preferred by the fourth respondent in the year 2005, i.e. nearly after three years.

5. Learned counsel for the petitioner submits that the appeal filed by the fourth respondent is time-barred and without any application being filed for condoning the delay in filing the appeal, the appellate authority ought not to have considered the

appeal.

6. As much as the revision petition filed by the petitioners is pending consideration before the first respondent-Government, it is for the first respondent to consider the said aspect. However, the fact remains that the petitioners have admittedly been in longstanding possession of the aforesaid lands, having purchased them as early as in the year 1968.

7. In that view of the matter, I deem it appropriate to dispose of the Writ Petition directing the first respondent/revisional authority to dispose of the revision petition filed by the petitioners as expeditiously as possible. Further, I am of the view that when the very validity of transfer is the subject matter of revision petition, balance of convenience lies in continuing the same status with regard to the lands till the disposal of the revision petition. In that view of the matter, the order dated 29-10-2005 passed by the second respondent, is suspended till the disposal of the revision petition.

8. The Writ Petition is disposed of with the above directions. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

March 18, 2006

N.B. **Furnish C.C. in three days**

B/o

MRR